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UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

3:16-cv-01057-MA

Plaintiff,

v.

**MOTION FOR ORDER OF
VOLUNTARY DISMISSAL**

**50 FIREARMS AND ASSORTED
AMMUNITION, *in rem*,**

Defendants.

Pursuant to Federal Rule of Civil Procedure 41(a)(2), the United States of America, by Billy J. Williams, United States Attorney, and Assistant United States Attorney Katherine C. de Villiers, hereby moves this Court for an order voluntarily dismissing this civil judicial forfeiture action in its entirety.

On June 10, 2016, a Complaint for Forfeiture was filed against the defendant Firearms and Ammunition, *in rem*, which the United States alleged were involved in or used in a conspiracy to impede officers of the United States, in knowing and willful violation of 18 U.S.C. § 372, and are therefore forfeitable to the United States pursuant to the provisions of 18 U.S.C. § 924(d).

On July 7, 2016, the government filed its motion for an order to stay this civil proceeding and to delay notice of civil forfeiture to potential claimants (ECF No. 4). The declaration of FBI Special Agent Katherine D. Armstrong filed in support of the government's motion outlined the many reasons why the government was making its request (ECF 4-1).

On July 8, 2016, this Court granted the government's motion to stay the proceeding and to delay notice of civil forfeiture (ECF No. 5). The stay in this proceeding has been continued since that time and notices have not yet been sent to potential claimants.

On December 4, 2017, in the connected criminal matter, *United States v. Jason Patrick, et al.*, USDC Case No. 3:16-cr-00051-BR, Jeanette Finicum filed a *pro se* petition claiming ownership interest in two firearms she believes belonged to her late husband, one of which is included in the criminal case, and one of which is included in this civil case. On January 29, 2018, Jeanette Finicum filed an Amended Petition in the criminal case.

On April 5, 2018, Judge Brown dismissed in part Mrs. Finicum's Amended Petition and further ordered this Court to construe Claimant's Amended Petition in the criminal case, as a claim to the Rossi .38 revolver as described in the Government's Complaint, *in rem*, for Forfeiture, in this civil case. This Court further ordered Mrs. Finicum to file an amended claim pursuant to Rule G(5)(a)(i) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, Federal Rules of Civil Procedure, by June 9, 2018, stating failure to comply with the Court's directives shall result in the denial of Claimant's claim (ECF No. 22).

On August 13, 2018, this Court filed an Order, striking the claim of Jeanette Finicum for failure to comply with the order referenced above. Mrs. Finicum also never filed an answer in this matter.

As such, no valid claim or answer has been filed in this civil judicial forfeiture matter, and it is appropriate for voluntary dismissal by order of the Court pursuant to Rule 41(a)(2).

DATED: August 15, 2018.

Respectfully submitted,

BILLY J. WILLIAMS
United States Attorney

s/ Katie de Villiers
KATHERINE C. DE VILLIERS
Assistant United States Attorney

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have made service of the plaintiff's Motion for Order of Voluntary Dismissal on the party herein by causing to be deposited in the United States mail at Portland, Oregon, on August 15, 2018, certified, return, receipt, requested, a true copy thereof in an envelope with postage thereon prepaid, addressed to:

Ms. Jeanette Finicum
Address on file

DATED: August 15, 2018.

s/ Mari McDonald
MARI S. MCDONALD
Paralegal